

**REMARKS**

Claims 1-33 are pending in this application. Claims 1-33 stand rejected. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Paragraph 3 of the Office Action addresses Applicant's remarks submitted on December 23, 2004. The Examiner asserts that "it is noted that the features upon which Applicant relies (i.e., number of stages in configuration) are not recited in the rejected claim(s)." See Office Action at 2. Applicant respectfully disagrees with the Examiner's assertion.

In the response to the Examiner's rejection of claims 1-20, and 25-28 under 35 U.S.C. § 102(e) in view of U.S. Patent No. 6,304,996 ("Van Stralen"), Applicants argued that Van Stralen fails to disclose "means for receiving a computation result obtained by said ACS computation means and thereby updating state metrics every plurality of stages (K stages)." In other words, the state metrics for the stages are all updated every "K" stages after the computation result obtained by the ACS computation means is received. Therefore, Applicant is relying on the explicitly recited claim language not the specification to overcome the cited Van Stralen reference.

Claims 1-20 and 25-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Van Stralen. Applicants respectfully request reconsideration and withdrawal of this rejection.

Among the limitations of Applicant's independent claims not present in the cited reference is "means for receiving a computation result obtained by said ACS computation means and thereby updating state metrics every plurality of stages (case stages)." This feature is not present in Van Stralen.

According Applicant's explicitly recited claim language, a computation result is received and state metrics are updated every plurality of stages. This feature is not present in Van Stralen. In Van Stralen, the update operation is performed on only one stage at a time for each and every stages. Van Stralen fails to disclose updating state metrics every plurality of stages. In fact, Van Stralen is typical present day update operations where only a single stage update is performed, whereas, according to Applicant's claim, updates are performed every K stages. As such, Applicant respectfully requests reconsideration and withdrawal of this rejection and allowance of claims 1-20 and 25-28.

Claims 21-24 and 29-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Stralen in view of U.S. Patent No. 6,304,995 ("Smith"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

As discussed above, Van Stralen fails to disclose that a plurality of stages are updated. In Van Stralen, only a single stage is updated. Smith was not added to cure this deficiency. Therefore, the combination of Smith and Van Stralen fail disclose Applicant's explicitly recited limitations.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Application No.: 09/853,968

Docket No.: S1905.0102

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: September 28, 2005

Respectfully submitted,

By 

Ian R. Blum

Registration No.: 42,336

DICKSTEIN SHAPIRO MORIN & OSHINSKY  
LLP

1177 Avenue of the Americas  
New York, New York 10036-2714  
(212) 835-1400  
Attorneys for Applicant

IRB/mgs